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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,542	10/05/2001	Raymond M. Li	SJ09-2001-0095	4425
46917	7590	06/24/2005	EXAMINER	
KONRAD RAYNES & VICTOR, LLP. ATTN: IBM37 315 SOUTH BEVERLY DRIVE, SUITE 210 BEVERLY HILLS, CA 90212			LIN, KELVIN Y	
		ART UNIT	PAPER NUMBER	2142

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/972,542	LI ET AL.
	Examiner	Art Unit
	Kelvin Lin	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 April 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 24-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 24-55 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Response to Remarks

1. Examiner will maintain the rejection until the Applicant request for a corrected filing receipt has been granted in application number (09972310).

Response to Amended Claims

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 24-55 are rejected under 35 USC 102(e) as being anticipated by Axberg et al.,(U.S. PG Pub 2003/0149769).
3. Regarding claim 24, Axberg teaches a system coupled to a network comprised of a plurality of storage and host devices, comprising:

a processor ((Axberg, [0017], I.1-4);
a representation of a topology of the host and storage devices in the network
(Axberg, [0022]);
a first queue including at least one task (Axberg, [0032], I.5-6);
a second queue having at least one notification for each task in the first queue
(Axberg, [0032]);
a computer readable medium including a program executed by the processor to
perform for tasks in the first queue (Axberg, [0032], [0187]):
executing the task in the first queue to process the at least one
notification for the task to update the representation of the topology of the
network (Axberg, [0032]).

4. Regarding claim 25, Axberg further discloses the system of claim 24, wherein each notification indicates an update to the topology of the devices in the network (Axberg, [0033]).
5. Regarding claim 26, Axberg further discloses the system of claim 25, wherein the updates to the topology indicated by the notifications are a member of a set of updates comprising: adding a new storage or service device to the network; modifying attributes of one device in the network; indicating that a device is missing; a change in a relationship or interconnectivity of the devices (Axberg, [0033], I.14-18)..
6. Regarding claim 27, Axberg further discloses the system of claim 24, wherein at least one notification is generated in response to processing a scan from at least

one scanner in the network, wherein the operations further comprise:
receiving a scan complete notification in response to the generation of all the
notifications indicating updates resulting from the processing of the scan (Axberg
[0034], I.1-4).

7. Regarding claim 28, Axberg further discloses the system of claim 27, wherein one task in the first queue is associate with a group of the notifications resulting from the processing of one scan, wherein the task processes the associated group notifications in the second queue in response to receiving the scan complete notification (Axberg, [0034], I.4-8).
8. Regarding claim 29, Axberg further discloses the system of claim 27, wherein the notifications related to the processing of one scan are processed atomically (Axberg, [0032], I.9-13).
9. Regarding claim 30, Axberg further discloses the system of claim 27, further comprising:
 - adding to the second queue the notifications received in response to the processing of one scan (Axberg, [0034], I.2-4); and
 - adding a task to the first queue in response to the scan complete notification to process the notification added to the second queue resulting of the processing of the scan for which the scan complete notification was received (Axberg, [0033], [0034], [0038]).
10. Regarding claim 31, Axberg further discloses the system of claim 30, wherein the tasks in the first queue are executed sequentially (Axberg, [0032], I.4-13).

11. Regarding claim 32, Axberg further discloses the system of claim 30, wherein the notifications in the first queue are processed on a First-In-First-out (FIFO) basis or on a basis of priority (Axberg, [0035], I.2-3).
12. Regarding claim 33, Axberg further discloses the system of claim 24, wherein at least one task queued in the first queue indicates an operator administrator request to modify a device in the network (Axberg, [0037], I.5-10).
13. Claims 34-43 have similar limitation as claims 24-33. Therefore, claims 34-43 are rejected for the same reason set forth in the rejection of claims 24-33.
14. Claims 44-53 have similar limitation as claims 24-33. Therefore, claims 44-53 are rejected for the same reason set forth in the rejection of claims 24-33.
15. Claim 54 is similar to claim 24, for claiming network comprising a storage device, and host devices connected to the storage devices (Axberg, [0033], I.5-8). Therefore, claim 54 is rejected for the same reason as claim 24.
16. Regarding claim 55, Axberg further discloses a network, comprising:
 - storage devices (Axberg, [0033], I.5-8);
 - host devices connected to the storage devices (Axberg, [0033], I.5-8);
 - at least one agent, wherein each agent is associated with one of the hosts, for monitoring a topology of the network, wherein the agents identify attributes of any of (i) the host with which it is associated, (ii) the interconnect to which that host is coupled, and (iii) storage units to which that host is coupled (Axberg, [0033]); and

a manager service in communication with the agents, comprising:

a discover module that identifies changes in the SAN based on attributes identified by the agents and generates at least one notification corresponding to each such change (Axberg, [0033], I.9);
a service module in communication with the discover module that receives the notifications from the discover module, wherein the service module performs (Axberg, [0033], I.11-13);
generating a first queue including at least one task; generating a second queue having at least one notification for each task in the first queue (Axberg, [0032], [0034]);,
executing the task in the first queue to process the at least one notification for the task to update a representation of the topology of the network (Axberg, [0032]).

Conclusion

Application's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MEPE 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTH from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898. The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

06/08/05
KYL


ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER